

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

KENNETH PHELON,

**Plaintiff,**

VS.

JEREMY HAMMAN, et al.,

### Defendants.

Case No: C 09-3393 SBA

## ORDER

JEREMY HAMMAN, et al.,

Presently before the Court is Plaintiff's Motion for Extension of Time to file his first amended complaint. By Order dated September 3, 2010, this Court ordered Plaintiff to file his first amended complaint (or his opposition to Defendants' Motion to Dismiss) by September 13, 2010. This Court notes that Plaintiff was initially ordered to file his first amended complaint by January 25, 2010. (Docket No. 31.) By his current motion, Plaintiff seeks an extension to September 23, 2010, on the ground that he requires additional time to prepare his first amended complaint. Accordingly,

**IT IS HEREBY ORDERED THAT:**

Plaintiff's Motion for Extension of Time is GRANTED. By no later than September 23, 2010, Plaintiff shall file either his first amended complaint or his opposition to Defendants' Motion to Dismiss. Plaintiff is expressly advised that, absent exceptional and extraordinary circumstances, no further extensions will be granted. Plaintiff is further advised that, should he fail to file his first amended complaint or opposition by September 23, 2010, the Court will dismiss this action without further notice pursuant to Federal Rule of Civil Procedure 41(b).

1 IT IS SO ORDERED.  
2 Dated: September 13, 2010  
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SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 KEN PHELON,  
5 Plaintiff,

6 v.  
7 JEREMY D. HAMMAN et al,  
8 Defendant.

9  
10 Case Number: CV09-03393 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on September 14, 2010, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
17 receptacle located in the Clerk's office.

18 Kenneth D. Phelon  
19 2932 - 55<sup>th</sup> Avenue  
Oakland, CA 94605

20 Dated: September 14, 2010

21 Richard W. Wiking, Clerk

22 By: LISA R CLARK, Deputy Clerk